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	IN THE UNITED STATES DISTRICT COURT	09:23:02
1	SOUTHERN DISTRICT OF CALIFORNIA	·
٠	SOUTHERN DISTRICT	09:23:02
2		09:23:02
3	X	
		09:23:02
. 4) ON PROPE INCORPORATED.)	
	GEN-PROBE INCORPORATED,) NO.99cv2668 H (AJB)	09:23:02
5	· ·	
	Plaintiff,)	09:23:02
6	vs.	
	· ·	09:23:02
7	VYSIS, INC.,	
		09:23:02
8	Defendant.)	
)	09:23:02
9	X	09:23:02
10		03.2010
	CONFIDENTIAL	09:23:02
11		09:23:02
12	Videotaped Deposition of	09:23:02
13	JONATHON MICHAEL LAWRIE, Ph.D.	09:23:02
14	Durham, North Carolina	09:23:02
15	Thursday, February 15, 2001	09:23:02
16		09:23:02
17		09:23:02
18	Reported by:	09.23.02
	Sydney C. Silva, Registered Professional Reporter	09:23:02
19		09.23.02
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1	A. No.	14:34:16
2	Q. Do you know whether there's any reference	14:34:17
3	in the patent to a combination of target capture	14:34:19
4	with a target-specific method of application of	14:34:25
5	amplification?	14:34:26
6	A. This patent here?	14:34:27
7	Q. Yes.	14:34:29
8	A. I haven't read it completely, just the	14:34:29
9	pieces you have shown me.	14:34:32
10 -	Q. When the patent application was filed,	14:34:34
11	did you have any impression about whether the	14:34:36
12	greatest degree of specificity sensitivity might be	14:34:38
13	obtained by combining target capture with a	14:34:42
14	target-specific method of amplification?	14:34:47
15	A. I don't remember.	14:34:56
16	Q. Does that stand to reason at all?	14:34:56
17	A. I don't think so. I don't know what the	14:34:58
18	thought process would have been back then.	14:35:00
19	Q. Can you recall any reason that a	14:35:03
20	reference to PCR might have been intentionally	14:35:05
21	omitted from the patent application?	14:35:08
22	A. Yes.	14:35:15
23	Q. And what reason was that? Let me, let me	14:35:15
24	start over. Ex. 3 Pg. 44	14:35:23
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1	Was a reference to PCR intentionally	14:35:24
2	omitted from the patent to the best of your	14:35:27
3	understanding?	14:35:29
4	A. I don't know.	14:35:30
5	Q. Were there discussions about whether or	14:35:31
6	not to include a reference to PCR in the patent?	14:35:32
7	A. I can't remember.	14:35:36
8	Q. So at Amoco you had a thought about	14:35:47
9	combining target capture with PCR, is that right?	14:35:51
10	A. Yes.	14:35:54
11	Q. Gene-Trak then did work in an effort to	14:35:55
12	combine target capture with PCR, is that right?	14:35:58
13	A. From seeing this here, yes.	14:36:03
14	Q. Do you have a recollection of that?	14:36:05
15	A. No.	14:36:07
16	Q. If there's no reference in the patent to	14:36:07
17	combining target capture with PCR, do you have any	14:36:09
18	explanation as to why it is not there?	14:36:13
19	A. I believe that it was a separate the	14:36:15
20	thought behind this was coming up with new methods	14:36:17
21	of amplification, not old ones.	14:36:19
22	Q. And you would, for the purposes of what	14:36:31
23	you just said, you classify PCR as an old method of	14:36:32
24	amplification? Ex. 3 Pg. 50	14:36:36

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1	A. PCR itself was described in the patent,	14:36:37
2	yes, issued patent.	14:36:40
3	Q. And your understanding of the 338 patent	14:36:41
4	was that it was directed to other methods of	14:36:44
· 5	amplification?	14:36:47
6	A. The, it was, it was directed to the	14:36:48
7	methods disclosed by, you know, the methods	14:36:54
8	separate from PCR.	14:36:59
9	Q. Those being the methods, for example, as	14:37:07
10	the methods set forth in Example 6 and 7?	14:37:10
11	A. Yes.	14:37:14
12	Q. Is it your understanding that the 338	14:37:20
13	patent then doesn't encompass the combination of	14:37:22
14	target capture and PCR?	14:37:28
15	MR. BANKS: Object to the form.	14:37:30
16	A. I couldn't say.	14:37:31
17	Q. I'm sorry?	14:37:32
18	A. I couldn't say.	14:37:32
19	Q. Was it your intention that it encompass	14:37:33
20	the combination of target capture and PCR?	14:37:38
21	A. I don't know. I can't remember what the	14:37:40
22	intention was in regards to PCR.	14:37:41
23	Q. However, your recollection of why of	14:37:49
24	if there's no your explanation of why there	14:37:50
	Ex Pg	